


## MEMORANDUM

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Action:** Bill 37-11, Motor Vehicles and Traffic – School Bus Safety Cameras

<b>Public Safety Committee recommendation (3-0): approve the Bill as introduced.</b>
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Bill 37-11, Motor Vehicles and Traffic – School Bus Safety Cameras, sponsored by Councilmembers Ervin, Andrews and Rice, Council President Berliner, Councilmember Elrich, Council Vice President Navarro, and Councilmembers Riemer and Floreen, was introduced on November 29, 2011. A public hearing was held on January 24 and a Public Safety Committee worksession was held on February 2.

### Background

Bill 37-11 would authorize the Police Chief, after consulting with the Board of Education, to install, maintain, and operate cameras on County school buses to monitor vehicles passing a stopped school bus. Councilmember Valerie Ervin explained the purpose of this Bill in a November 22 memorandum at ©4-5. Maryland Transportation Article, §21-706 prohibits a vehicle from overtaking a stopped school bus that is operating its alternately flashing red lights. The Maryland State Department of Education (MSDE) recently surveyed violations of this law throughout the State and looked at similar laws in other States. See the MSDE press release at ©6-8. Chapter 273, 2011 Laws of Maryland, effective October 1, 2011, (©9-20) authorized a local law enforcement agency to use school bus safety cameras to enforce this State law if the agency is authorized by a local law enacted by the governing body of the local jurisdiction. Bill 37-11 is an enabling act that would implement this authority in the County.

A violation of §21-706 recorded by a school bus safety camera would be punishable by a civil penalty established by Method 2 Executive regulation up to a maximum of \$250. A recorded image indicating a violation is evidence of a violation similar to a violation recorded by a red light camera or a speed monitoring camera. A person who receives a citation can contest it in the District Court. Pursuant to State law, fines paid without electing to stand trial in the District Court are retained by the County to defray the costs of the program. Fines paid after trial in the District Court would be retained by the State. A violation for which a civil penalty is imposed under this Bill would not be a moving violation for the purpose of assessing points against a driver's record under State law.

The County would have to pay the initial cost to purchase the camera and install it on a school bus. The Bill would authorize the Police Chief to use this program; however, the extent of the initial rollout would depend upon the initial cost and available funds.

## **Public Hearing**

All three speakers at the January 24 public hearing supported the Bill. Todd Watkins (©25), representing the Montgomery County Public Schools (MCPS), testified in support of the Bill because it could “dramatically change driving behaviors near stopped school buses.” Robert Herron (©26-27), a bus operator for MCPS and Vice President, Transportation Chapter of the Service Employees International Union, Local 500, CTW, also supported the Bill. Mr. Herron, speaking from his personal experience as a bus operator, testified that a driver only receives a warning when he reports a violation. Finally, Erwin Mack (©28-29), Chairman of the Pedestrian, Bicycle and Traffic Safety Advisory Committee (PBTSAC), testified that the Committee voted to support the Bill. The PBTSAC also questioned the adequacy of the warning signs on buses and asked about additional efforts to educate the public about this issue.

## **Public Safety Committee Worksession**

Councilmember Rice attended the February 2 worksession along with the Committee members. Assistant Police Chief Wayne Jerman and Richard Harrison represented the Police Department. Todd Watkins, MCPS Director of Transportation and Erwin Mack, Chair of the Pedestrian, Bicycle and Traffic Safety Advisory Committee also answered questions.

The Committee reviewed the Bill and discussed how the program would be implemented if the Bill is enacted. The Committee recommended (3-0) approval of the Bill as introduced.

## **Issues**

### **1. What is the fiscal and economic impact of the Bill?**

OMB, in a fiscal and economic impact statement (©21), was unable to estimate the fiscal impact of the Bill because the extent of the program and the number of paid citations is unknown. The important variables that would affect the cost of the new program are the number of violations and paid citations, the amount of the fine, the number of buses equipped with cameras, and the payments made to the camera vendor. Unlike speed cameras, it is unlikely that the revenue from paid citations will exceed the cost of installing, maintaining, and operating the cameras due to the number of school buses operated by MCPS and the number of expected violations. Under the State law authorizing this program, fines paid without electing to stand trial in the District Court are retained by the County to defray the costs of the program. However, fines paid after trial in the District Court would be retained by the State.

OMB opined that the Bill would have no economic impact on the County.

### **2. Should the Bill establish the amount of the fine?**

The Bill requires the Executive, by Method 2 regulation, to establish the amount of the civil penalty for a violation up to a maximum of \$250. The \$250 maximum is set by State law. The amount of the fine may affect the likelihood that a defendant elects a trial. The fine must also be significant enough to change behavior. Since the County only retains a fine paid by an individual who pays without electing a District Court trial, retaining maximum flexibility to

adjust the amount of the penalty by regulation as the program is rolled out is the better choice.  
**Committee recommendation (3-0):** do not amend the Bill to set the amount of the penalty.

### **3. Should the Bill be enacted?**

The potential danger caused by a vehicle overtaking a stopped school bus that is operating its alternately flashing red lights can not be overstated. Although it is unlikely that the County will receive sufficient revenue from paid citations to cover its costs, the County can control its costs by limiting the number of buses that are equipped with cameras until sufficient funds are available. The Bill is a necessary step to implement this public safety program, but the actual rollout will depend on the Council appropriation for this program in the budget review. A description by the Police Department of the steps that must be taken to implement this program if the Bill is enacted is at ©30-32. Photographs of a school bus safety camera on a school bus are at ©33-34.

**Committee recommendation (3-0):** enact the Bill as introduced.

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Bill No. 37-11  
Concerning: Motor Vehicles and Traffic –  
School Bus Safety Cameras  
Revised: November 30, 2011 Draft No. 5  
Introduced: November 29, 2011  
Expires: May 29, 2013  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmembers Ervin, Andrews and Rice, Council President Berliner, Councilmember Elrich, Council Vice President Navarro, and Councilmember Riemer

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**AN ACT** to:

- (1) authorize the use of cameras on certain County school buses to monitor vehicles overtaking a stopped school bus under certain circumstances;
- (2) authorize the Executive, by regulation, to establish appropriate penalties for a violation;
- (3) provide for enforcement of certain Maryland transportation laws in the County through the use of school bus safety cameras; and
- (4) generally authorize and regulate the use of school bus safety cameras in the County.

By adding

Montgomery County Code  
Chapter 31, Motor Vehicles and Traffic  
Section 31-9B

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 31-9B is added as follows:**

2    **31-9B. School Bus Safety Cameras Authorized.**

3           (a)   Definitions. As used in this Section:

4               Board means the County Board of Education.

5               Chief means the County Police Chief.

6               Violation means a violation of Transportation Article §21-706.

7               School bus means a bus operated by the Board to transport students.

8               School bus safety camera means a camera placed on a school bus that  
 9               is designed to capture a recorded image of a driver of a motor vehicle  
 10              committing a violation authorized by Transportation Article §21-  
 11              706.1.

12          (b)   The Chief, after consulting with the Board, may install, operate, and  
 13               maintain school bus safety cameras on school busses as permitted by  
 14               Transportation Article §21-706.1.

15          (c)   A person who commits a violation recorded by a school bus safety  
 16               camera is subject to a civil penalty authorized by Transportation  
 17               Article §21-706.1.

18          (d)   The Executive, by Method 2 regulation, must establish the amount of  
 19               the civil penalty up to a maximum of \$250.

20          (e)   The County must use any fines collected by the County for a violation  
 21               recorded by a school bus safety camera:

22               (1)   to recover the costs of installing, operating, and maintaining  
 23               school bus safety cameras; and

24               (2)   for public safety purposes, including pedestrian safety  
 25               programs.

26    *Approved:*

## LEGISLATIVE REQUEST REPORT

Bill 37-11

### *Motor Vehicles and Traffic – School Bus Safety Cameras*

<b>DESCRIPTION:</b>	The Bill would implement State law authorizing the use of school bus safety cameras to monitor vehicles overtaking a stopped school bus and enforce violations of Transportation Article, §21-706.
<b>PROBLEM:</b>	Many drivers ignore traffic laws designed to keep children safe while traveling on school busses.
<b>GOALS AND OBJECTIVES:</b>	The goal is to change the behavior of drivers who ignore this traffic law and keep children safe while traveling on school busses.
<b>COORDINATION:</b>	Police Department, MCPS
<b>FISCAL IMPACT:</b>	To be requested.
<b>ECONOMIC IMPACT:</b>	To be requested.
<b>EVALUATION:</b>	To be requested.
<b>EXPERIENCE ELSEWHERE:</b>	To be researched.
<b>SOURCE OF INFORMATION:</b>	Robert H. Drummer, Senior Legislative Attorney
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	To be researched.
<b>PENALTIES:</b>	Civil penalty up to \$250.



MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

**Memorandum**

To: Councilmembers  
From: Council President Valerie Ervin *VE*  
Date: November 22, 2011  
Subject: School Bus Safety Cameras

I am requesting your support of the attached bill which would, in consultation with the Board of Education, place school bus safety cameras on County school buses for the purpose of recording motor vehicles committing violations related to overtaking and passing school vehicles. The goal of this legislation is to change the behavior of drivers who currently ignore traffic laws intended to keep our students safe while traveling on school buses. As the Council's representative on the County's Pedestrian, Bicycle and Traffic Safety Advisory Committee, I am sponsoring this bill because I believe it is a natural outgrowth of our Pedestrian Safety Initiative and our Safe Routes to School Program.

This bill would implement Senate Bill 679, Vehicle Laws – Overtaking and Passing School Vehicles – School Bus Monitoring Cameras, passed this year by the Maryland General Assembly. This bill would allow the County to monitor and ticket drivers using video cameras mounted on the outside of school buses. Drivers caught on tape illegally passing a stopped school bus would be subject to a maximum fine of \$250.

The Maryland State Department of Education (MSDE) released a survey in February 2011 that reported that 7,028 drivers overtook stopped school buses in Maryland. As expected, the largest school systems noted the most violations. Of the overtaking violations reported, 56.9 percent were the result of oncoming vehicles passing the bus from the opposite direction; 37.9 percent of violations were from vehicles passing on the driver side of the bus; and 5.2 percent were from vehicles passing on the side of the bus with the passenger door.



I have met with Chief Manger and his officers about this issue. He reported that although the MSDE survey reported 1,645 drivers ignoring the stop arm in Montgomery County, the number of citations issued for overtaking school buses in Montgomery County is approximately 500 per year.

According to MSDE, there are currently about 560 school bus monitoring systems used in four counties: 390 in Prince George's; 133 in Montgomery; 20 in Frederick; and 27 in Kent County. These camera systems would need to be evaluated to determine if they have the capability to provide the Police Department with the technology needed to implement automated citations. The fiscal impact for adding cameras in the County would depend on the agreement negotiated with the vendor.

Current law provides that if a school vehicle is stopped on a roadway and is operating its flashing red lights, the driver of a vehicle must stop at least 20 feet from the school bus and may not proceed until the school vehicle resumes motion or deactivates its flashing lights. If a school bus operator witnesses a violation, the operator may report the violation to law enforcement with information to identify the vehicle and operator. The violation is a misdemeanor and carries a fine of up to \$1,000. Three points may also be assessed for failure to stop. If the identity of the operator of the vehicle cannot be established, law enforcement must still issue a warning stating that a report of a violation was made that described the owner's vehicle as involved in the violation, but that there was insufficient evidence to issue a citation.

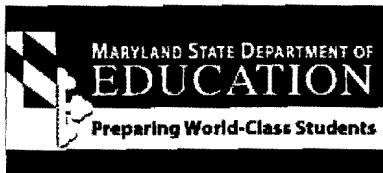
I welcome your support of Bill 37-11, Motor Vehicles and Traffic – School Bus Safety Cameras, which is scheduled to be introduced on November 29. If you have any questions or suggestions, please contact my office.

Attachments:

Bill 37-11, Motor Vehicles and Traffic – School Bus Safety Cameras  
Press Release from Maryland State Department of Education  
Chart Comparing Bus Camera Legislation  
SB 679, Vehicle Laws – Overtaking and Passing School Vehicles – School Bus Monitoring Cameras

c: Mike Faden, Council Senior Legislative Attorney  
Bob Drummer, Council Legislative Attorney





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## News Release Detail

### News Release

For Immediate Release Contact: Bill Reinhard, 410-767-0486



NEWS RELEASE

### **THOUSANDS OF MARYLAND DRIVERS VIOLATE BUS STOP LAWS, MSDE FINDS**

#### ***ONE-DAY STOP ARM SURVEY BY SCHOOL BUS DRIVERS UNCOVERS MORE THAN 7,000 VIOLATORS***

BALTIMORE, MD (March 15, 2011)

Drivers are bypassing the stop arms on school buses at an alarming rate, a Maryland State Department of Education-sponsored survey has revealed.

A total of 7,028 violations of school bus stop arms were recorded on a single day last month. Nearly 4,000 (3,997) were oncoming drivers who ignored the stop arm, 2,665 drivers moved past a stopped bus on the bus driver's side of the vehicle and 366 drivers passed a stopped bus on the door side. Stop arms swing out from a bus and lights flash whenever it is making a student pick-up.

"It is simply illegal to pass a bus with its stop arm extended and its lights flashing, no matter the circumstances," said State Superintendent of Schools Nancy S. Grasmick. "Our number one priority as educators – and drivers – should be the safety our Maryland school children."

MSDE coordinated the survey along with school transportation directors in all 24 systems. It is considered a snapshot of illegal activity on the roads. More than 4,712 school bus drivers took part in the survey, representing 65 percent of the school bus drivers in the State.

Large systems noted the most violators. Baltimore County school bus drivers tallied the most – 1,723 drivers ignoring the stop arm – followed by Montgomery County (1,645), Baltimore City (897), Anne Arundel (845), and Prince George's (745). Prince George's County found the highest number of door side violations, with 136.

A few small systems found no violators on the day of the survey: Allegany, Caroline, and Queen Anne's.

The survey was undertaken at the behest of a number of members of the Maryland General Assembly, which is considering several bills designed to strengthen school bus safety. The National Association of State Directors of Pupil Transportation Services is coordinating surveys of this type in all 50 States.

# # #

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State	Bus Camera Legislation - Date	Brief Description	Cameras Installed	Fines / Penalties
Maryland	SB 679 passed Spring of 2011	County governing body to authorize police agencies to work with school systems.	Varies by County. Frederick has 20 external cameras	Civil violation, no pts. \$250 fine.
North Carolina (Atkins' Law)	HB 440 took effect 12/1/2009	School officials turn evidence over directly to police who handle the violation.	Varies by County	Max pts. against the driving record and variable fines.
Rhode Island	H7755	State director must approve cameras. Districts may enter into private 3 <sup>rd</sup> party agreements.	43 cameras installed	Civil violation, no pts. \$250-500
Arkansas (isaac's Law)	Act1207 took effect 7/1/2007	27-51-1001. <i>section deals with details.</i> Person will be charged with negligent homicide if death occurs while passing a stopped bus		Max \$1,000, or 90 day license suspension + 400 hrs. of community service. Possible 30 days in prison and \$100 fine for a bus driver not reporting,
Georgia	SB 57 passed in 2011	10% of districts currently equipped with cameras. Cobb County taking the lead.	102 cameras on Cobb County buses...more on the way.	1 yr. in jail. Fine can vary from \$300-\$1,000 \$300
West Virginia	2009	Buses are equipped with external cameras.	Varies by County	\$500 fine
Connecticut	July 1, 2011	School systems work directly with police agencies.	Starts this school year.	\$450-\$1,000
Massachusetts	Pending	In current trial period with a camera vendor.		Proposed \$250 fine
Missouri (Jessica's Law)	Effective 2/2006	Section 304.050. Bus drivers work directly with police agency—does not authorize cameras, allows ticket issuance to registered owner if driver ID is unable to be made.	92 cameras in Liberty, MO. Varies by jurisdiction and funding	Max \$1,000, or 90 day license suspension

Virginia	Spring 2011	Optional for VA counties. Not mandatory. Counties install their own cameras.	Varies by county.	\$250 fine paid to the applicable school district and court costs.
Washington	SSB 5540	Similar to MD and RI. Competitive bid for camera vendors.		\$500-mandatory fine; no reductions (double the regular \$250 penalty)
New York (Aniya's Law)	AB A04416—this bill is currently under consideration and would allow for cameras	Under consideration—Aniya's law deals with bussing requirements based on a residency's proximity to the school	\$150,000 grant for 12 school districts	

## Chapter 273

(Senate Bill 679)

AN ACT concerning

### Vehicle Laws – Overtaking and Passing School Vehicles – School Bus Monitoring Cameras

FOR the purpose of authorizing a ~~county board of education~~ law enforcement agency, in consultation with a ~~certain local law enforcement agency~~ county board of education, to place school bus monitoring cameras on county school buses for the purpose of recording a motor vehicle committing a violation relating to overtaking and passing school vehicles, if authorized by a local law enacted by the governing body of the local jurisdiction; ~~requiring a school bus operator to give a recording of the violation to a certain local law enforcement agency~~; requiring a ~~recording~~ recorded image made by a school bus monitoring camera to include certain images and information; providing that the driver of a motor vehicle recorded committing a certain violation is subject to a certain civil penalty; providing that a civil penalty under this Act may not exceed a certain amount; requiring the District Court to prescribe a certain uniform citation form and civil penalty; providing for the payment of fines imposed and the distribution of revenues collected as a result of violations enforced by school bus monitoring cameras; requiring a certain local law enforcement agency to mail a certain citation to the owner of a certain motor vehicle within a certain period of time; providing for the contents of a certain citation; authorizing a local law enforcement agency to mail a warning instead of a citation; authorizing a person receiving a certain citation to pay the civil penalty or elect to stand trial; providing that a certain certificate is admissible as evidence in a proceeding concerning a certain violation; providing that a certain adjudication of liability is based on a preponderance of evidence; establishing certain defenses, and requirements for proving the defenses, for a certain violation recorded by a school bus monitoring camera; requiring the District Court to provide certain evidence to a local law enforcement agency under certain circumstances; authorizing a local law enforcement agency to mail a certain notice within a certain time period after receiving certain evidence; authorizing the Motor Vehicle Administration to refuse to register or reregister a motor vehicle or suspend the registration of a motor vehicle under certain circumstances; ~~establishing that a violation for which a civil penalty may be imposed under this Act is a moving violation for certain purposes, may be treated as a parking violation for certain purposes, and may be considered for certain insurance purposes~~; requiring the Chief Judge of the District Court, in consultation with certain local law enforcement agencies, to adopt certain procedures; providing that a proceeding for a certain violation recorded by a school bus monitoring camera is under the exclusive original jurisdiction of the District Court;

providing that a recorded image of a motor vehicle produced by a school bus monitoring camera is admissible in a certain proceeding under certain circumstances; defining certain terms; and generally relating to the use of school bus monitoring cameras to enforce offenses relating to overtaking and passing school vehicles.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 4–401(13), 7–302(e), and 10–311  
Annotated Code of Maryland  
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 21–706  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 21–706.1  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Courts and Judicial Proceedings**

4–401.

Except as provided in § 4–402 of this subtitle, and subject to the venue provisions of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, § 21–706.1, § 21–809, or § 21–810 of the Transportation Article or § 10–112 of the Criminal Law Article;

7–302.

(e) (1) A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–809, or § 21–810 of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person's intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having

venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person's intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a traffic control signal monitoring system or speed monitoring system, including a work zone speed control system, controlled by a political subdivision OR A SCHOOL BUS MONITORING CAMERA shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system or a work zone speed control system controlled by a State agency, or as a result of a traffic control signal monitoring system [or], a speed monitoring system, OR A SCHOOL BUS MONITORING CAMERA in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using A traffic control signal monitoring [systems or] SYSTEM, speed monitoring [systems] SYSTEM, [or a] work zone speed control system, OR SCHOOL BUS MONITORING CAMERA that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12-118 of the Transportation Article.

(4) (i) From the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems OR SCHOOL BUS MONITORING CAMERAS, a political subdivision:

1. May recover the costs of implementing and administering the speed monitoring systems OR SCHOOL BUS MONITORING CAMERAS; and

2. Subject to subparagraph (ii) of this paragraph, may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.

(ii) 1. For any fiscal year, if the balance remaining from the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems, after the costs of implementing and administering the systems are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total revenues of the political subdivision for the fiscal year, the political subdivision shall remit any funds that exceed 10% of the total revenues to the Comptroller.

2. The Comptroller shall deposit any money remitted under this subparagraph to the General Fund of the State.

(a) A recorded image of a motor vehicle produced by a traffic control signal monitoring system in accordance with § 21-202.1 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of § 21-202(h) of the Transportation Article without authentication.

(b) A recorded image of a motor vehicle produced by a speed monitoring system in accordance with § 21-809 or § 21-810 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

**(c) A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A SCHOOL BUS MONITORING CAMERA IN ACCORDANCE WITH § 21-706.1 OF THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21-706 OF THE TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.**

**(D)** In any other judicial proceeding, a recorded image produced by a traffic control signal monitoring system, speed monitoring system, [or] work zone speed control system, **OR SCHOOL BUS MONITORING CAMERA** is admissible as otherwise provided by law.

### **Article - Transportation**

#### **21-706.**

(a) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from the rear of the school vehicle, if approaching the school vehicle from its rear, or at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front.

(b) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle may not proceed until the school vehicle resumes motion or the alternately flashing red lights are deactivated.

(c) This section does not apply to the driver of a vehicle on a divided highway, if the school vehicle is on a different roadway.

#### **21-706.1.**

**(a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "LAW ENFORCEMENT AGENCY" MEANS A LAW ENFORCEMENT AGENCY OF A LOCAL POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS.

(3) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR MORE.

(II) "OWNER" DOES NOT INCLUDE:

1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY; OR

2. A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

(4) "RECORDED IMAGE" MEANS IMAGES RECORDED BY A SCHOOL BUS MONITORING CAMERA:

(I) ON:

1. TWO OR MORE PHOTOGRAPHS;
2. TWO OR MORE MICROPHOTOGRAPHS;
3. TWO OR MORE ELECTRONIC IMAGES;
4. VIDEOTAPE; OR
5. ANY OTHER MEDIUM; AND

(II) SHOWING THE REAR OF A MOTOR VEHICLE AND, ON AT LEAST ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.

(5) "SCHOOL BUS MONITORING CAMERA" MEANS A CAMERA PLACED ON A SCHOOL BUS THAT IS DESIGNED TO CAPTURE A RECORDED IMAGE OF A DRIVER OF A MOTOR VEHICLE COMMITTING A VIOLATION.

(6) "VIOLATION" MEANS A VIOLATION OF § 21-706 OF THIS SUBTITLE.



(B) (1) (I) If a school bus operator witnesses a violation [of § 21-706 of this subtitle], the operator may promptly report the violation to ~~to a law enforcement~~ ~~AN~~ to a law enforcement agency exercising jurisdiction where the violation occurred.

[(2)] (II) The report, to the extent possible, shall include:

[(i)] 1. Information pertaining to the identity of the alleged violator;

[(ii)] 2. The license number and color of the vehicle involved in the violation;

[(iii)] 3. The time and location at which the violation occurred; and

[(iv)] 4. An identification of the vehicle as an automobile, station wagon, truck, bus, motorcycle, or other type of vehicle.

[(b)] (2) If the identity of the operator of the vehicle at the time the violation occurred cannot be established, the ~~law enforcement~~ agency shall issue to the registered owner of the vehicle, a warning stating:

[(1)] (I) That a report of a violation [of § 21-706 of this subtitle] was made to the ~~law enforcement~~ agency and that the report described the owner's vehicle as the vehicle involved in the violation;

[(2)] (II) That there is insufficient evidence for the issuance of a citation;

[(3)] (III) That the warning does not constitute a finding that the owner is guilty of the violation; and

[(4)] (IV) The requirements of § 21-706 of this subtitle.

(C) (1) ~~(H)~~ A SCHOOL BUS MONITORING CAMERA MAY NOT BE USED IN A LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.

~~(H)~~ (2) IF AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION, A COUNTY BOARD OF EDUCATION LAW ENFORCEMENT AGENCY, IN CONSULTATION WITH AN AGENCY THE COUNTY BOARD OF EDUCATION, MAY PLACE SCHOOL BUS MONITORING CAMERAS ON COUNTY SCHOOL BUSES.

~~(2) IF A SCHOOL BUS MONITORING CAMERA RECORDS A VIOLATION, THE SCHOOL BUS OPERATOR SHALL GIVE THE RECORDING OF THE VIOLATION TO AN AGENCY EXERCISING JURISDICTION WHERE THE VIOLATION OCCURRED.~~

(D) A ~~RECORDING~~ RECORDED IMAGE BY A SCHOOL BUS MONITORING CAMERA UNDER THIS SECTION INDICATING THAT THE DRIVER OF A MOTOR VEHICLE HAS COMMITTED A VIOLATION SHALL INCLUDE:

- (1) AN IMAGE OF THE MOTOR VEHICLE;
- (2) AN IMAGE OF THE MOTOR VEHICLE'S REAR LICENSE PLATE;
- (3) THE TIME AND DATE OF THE VIOLATION; AND
- (4) TO THE EXTENT POSSIBLE, THE LOCATION OF THE VIOLATION.

(E) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER OR, IN ACCORDANCE WITH SUBSECTION (H)(5) OF THIS SECTION, THE DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS RECORDED BY A SCHOOL BUS MONITORING CAMERA DURING THE COMMISSION OF A VIOLATION.

(2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED ~~\$500~~ \$250.

(3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL PRESCRIBE:

(I) A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION (F)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND

(II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY WITHOUT APPEARING IN DISTRICT COURT.

(F) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, A LAW ENFORCEMENT AGENCY SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (E) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

(I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE;

(II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE INVOLVED IN THE VIOLATION;

(III) THE VIOLATION CHARGED;

(IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE VIOLATION;

(V) THE DATE AND TIME OF THE VIOLATION;

(VI) A COPY OF THE RECORDED IMAGE;

(VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE BY WHICH THE CIVIL PENALTY MUST BE PAID;

(VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE LAW ENFORCEMENT AGENCY THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION OF A VIOLATION;

(IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A VIOLATION; AND

(X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION:

1. OF THE MANNER AND TIME IN WHICH LIABILITY AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

2. THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY AND MAY RESULT IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE REGISTRATION.

(2) THE LAW ENFORCEMENT AGENCY MAY MAIL A WARNING NOTICE IN PLACE OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (E) OF THIS SECTION.

(3) EXCEPT AS PROVIDED IN SUBSECTION (H)(5) OF THIS SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.

(4) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY:

(I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE COUNTY ~~OR THE DISTRICT COURT~~; OR

(II) ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.

(G) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED, SWORN TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF ~~THE~~ A LAW ENFORCEMENT AGENCY, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A SCHOOL BUS MONITORING CAMERA SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING THE ALLEGED VIOLATION.

(2) ADJUDICATION OF LIABILITY SHALL BE BASED ON A PREPONDERANCE OF EVIDENCE.

(H) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION:

(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT THE MOTOR VEHICLE OR REGISTRATION PLATES OF THE MOTOR VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;

(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT DEEMS PERTINENT.

(2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION, THE OWNER MUST SUBMIT PROOF THAT A POLICE REPORT ABOUT THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY MANNER.

(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE DISTRICT COURT OF WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION, INCLUDING, AT A MINIMUM, THE OPERATOR'S NAME AND CURRENT ADDRESS.

(4) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY ONLY TO A CITATION THAT INVOLVES A CLASS E (TRUCK) VEHICLE WITH A REGISTERED GROSS WEIGHT OF 26,001 POUNDS OR MORE, CLASS F (TRACTOR) VEHICLE, CLASS G (TRAILER) VEHICLE OPERATED IN COMBINATION WITH A CLASS F (TRACTOR) VEHICLE, AND CLASS P (PASSENGER BUS) VEHICLE.

(II) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN A CITATION DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

1. STATES THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

2. PROVIDES THE NAME, ADDRESS, AND DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(5) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (4)(II)2 OF THIS SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE LAW ENFORCEMENT AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, ~~AN~~ THE LAW ENFORCEMENT AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (F) OF THIS SECTION TO THE PERSON THAT THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT OF THE EVIDENCE FROM THE DISTRICT COURT.

(I) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER OR MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.

~~(J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION;~~

~~(1) IS A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;~~

~~(2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF § 26-305 OF THIS ARTICLE; AND~~

~~(3) MAY BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.~~

~~(K)~~ (J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION:

(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;

(2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF § 26-305 OF THIS ARTICLE; AND

(3) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

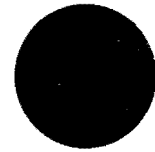
(K) IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS, ~~THE TRIAL OF~~ TRIALS FOR VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES IMPOSED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

**Approved by the Governor, May 10, 2011.**



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CC  
SBF  
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OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett  
County Executive

Jennifer A. Hughes  
Director

MEMORANDUM

January 6, 2012

TO: Roger Berliner, President, County Council  
FROM: Jennifer A. Hughes, Director  
SUBJECT: Bill 37-11, Motor Vehicles and Traffic – School Bus Safety Cameras

Attached please find the fiscal and economic impact statements for the above referenced legislation.

JAH:mob

c: Kathleen Boucher, Assistant Chief Administrative Officer  
Lisa Austin, Offices of the County Executive  
Joy Nurmi, Special Assistant to the County Executive  
Patrick Lacefield, Director, Public Information Office  
Joseph F. Beach, Director, Department of Finance  
Michael Coveyou, Department of Finance  
Captain Thomas Didone, Department of Police  
Alex Espinosa, Office of Management and Budget  
Ed Piesen, Office of Management and Budget  
Naeem Mia, Office of Management and Budget

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Office of the Director

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[montgomerycountymd.gov/311](http://montgomerycountymd.gov/311)



240-773-3556 TTY



**Fiscal Impact Statement**  
**Council Bill 37-11, Motor Vehicles and Traffic – School Bus Safety Cameras**

1. Legislative Summary.

The proposed Bill would implement State law authorizing the use of school bus safety cameras to monitor vehicles overtaking a stopped school bus and enforce violations of Maryland Transportation Article 21-706. The Bill also authorizes the County Executive, by Method 2 regulation, to establish the amount of civil penalty up to a maximum of \$250.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

The Bill is an enabling act that would implement the State law in the County. The fiscal impact on the County depends on the scope of the program that is implemented in coordination with Montgomery County Public Schools (MCPS) and the violation fine amount established by regulation. The fiscal impact cannot be determined until the program is designed and the fine amount established; however, fine revenue is intended to at least cover program costs. County revenue in excess of program costs must be used to support public safety programs, including pedestrian safety.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

See response to #2.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable.

6. An estimate of the staff time needed to implement the bill.

Implementation of the Bill is not expected to require additional staff resources in the short term. According to the Department of Police, however, the timing of implementation would be dependent on the method of camera system procurement, which could range from 3-6 months if the County's contract with its current automated traffic enforcement vendor can be amended, or up to 18 months if a new competitive procurement is initiated. An estimate of staff and contractor time needed to equip school buses once the system is procured would depend on the scope of the program that is developed between the County and MCPS. Additional staff resources could be required to administer the program depending on the number of citations issued in the future.

7. An explanation of how the addition of new staff responsibilities would affect other duties.

Not applicable.

8. An estimate of costs when an additional appropriation is needed.

See response to #2.

9. A description of any variable that could affect revenue and cost estimates.

Variables that could affect revenue and cost estimates include:

- The number of violations. According to the Department of Police's review of MCPS Transportation Division violation data, 1,256 violations have been reported over the last three years through October 2011, or an average of 37 per month. Approximately 20 bus routes had 10 or more violations reported during that time period. During the same time period, patrol officers issued 359 violations in 2009, 258 in 2010, and 146 through September 2011. It is likely that violations are currently under-reported and automated enforcement would result in a higher number of violations. The number of violations could affect the number of staff needed to administer the program in the future.
- Amount of the fine established through regulation. The Bill authorizes the County Executive to establish the fine amount through Method 2 regulation up to a maximum fine of \$250. The fine amount will affect the total amount of revenue generated. In addition, the County may only retain fine revenue for uncontested violations, but all fine revenue associated with violations that are contested go to the District Court and become State of Maryland general fund revenues. The program's net revenue, therefore, is affected by the amount of revenue retained by the County rather than the District Court.
- Program design and method of vendor payment. The program's design and method of vendor payment have not been determined at this time, but both will affect the fiscal impact on the County. The number of equipped school buses and bus routes covered by the program will affect the program's overall cost and fine revenue. As the experience with the County's other automated enforcement programs has demonstrated, automated enforcement of stopped school vehicles is expected to decrease actual violations over time. The method of procurement and vendor payment (i.e., whether the equipment cost is paid upfront by the County or recovered by the vendor through a share of citation revenue) also would affect the County's costs and net revenues.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

A range of revenues and expenditures cannot be provided until the regulation is drafted, the scope of the program is developed in coordination with MCPS, and the procurement method is determined.

11. If a bill is likely to have no fiscal impact, why that is the case.

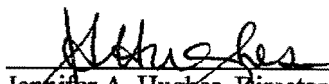
The program which the Bill enables to be implemented will have a fiscal impact, but it cannot be determined at this time.

12. Other fiscal impacts or comments.

Not applicable.

13. The following contributed to and concurred with this analysis:

Captain Thomas Didone of the Department of Police, Ed Piesen, and Alex Espinosa of the Office of Management and Budget.

  
Jennifer A. Hughes, Director  
Office of Management and Budget

 1/6/12  
Date

**Economic Impact Statement**  
**Council Bill 37-11, Motor Vehicles and Traffic – School Bus Safety Cameras**

**Background:**

Bill 37-11 would authorize the Police Chief, after consulting with the Board of Education, to install, maintain, and operate cameras on County school buses to monitor vehicles passing a stopped school bus.

1. The sources of information, assumptions, and methodologies used.

Not Applicable.

2. A description of any variable that could affect economic impact estimates.

Not Applicable

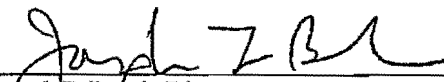
3. The bill's positive or negative effect, if any, on employment, spending, saving, investment, incomes, and property values in the County.

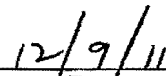
Not Applicable

4. If a bill is likely to have no economic impact, why that is the case.

Bill 37-11 allows a new tool to provide for law enforcement and as such it has no economic impact.

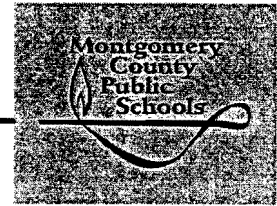
5. The following contributed to and concurred with this analysis: David Platt, Finance; Mike Coveyou, Finance

  
\_\_\_\_\_  
Joseph F. Beach, Director  
Department of Finance

  
\_\_\_\_\_  
Date

# Department of Transportation

16651 Crabbs Branch Way  
Rockville, Maryland 20855  
301-840-8130 • Fax: 301-840-4516



2

## **County Council Public Hearing, January 24, 2012: Bill 37-11, Motor Vehicles and Traffic – School Bus Safety Cameras, Agenda Item 7**

Good Afternoon. My name is Todd Watkins. I am the director of transportation for Montgomery County Public Schools. I am here to speak strongly in favor of Bill 37-11 allowing the use of cameras to enforce the law prohibiting the passing of a stopped school bus.

I am a supporter of this bill because I believe it has the potential to dramatically change driving behaviors near stopped school buses. Whether or not one generally supports the use of cameras for automated enforcement, it is hard to refute their effectiveness in bringing about behavior change. One only has to sit and watch an area that has a speed camera or an intersection camera. Areas where speed cameras are located are normally areas where motorists regularly exceeded the speed limit by significant amounts. Intersections with cameras are those where the red light was regularly run. Watching those same areas since the placement of cameras will reveal most vehicles being driven within the speed limit and stopping for the red light. It is this same type of behavior change I desire near stopped school buses. And, I believe this technology is perfectly suited for the school bus application because, while there is certainly some amount of general change in driving behaviors resulting from cameras in the county, the greatest change is in the immediate vicinity of the cameras. In this case, we seek only to change driving behavior in the immediate vicinity of school buses. I have been working with Captain Tom Didone from the Montgomery County Police in hopes of making automated enforcement on school buses a reality should this bill pass.

The potential for tragedy is high when motorists pass a stopped school bus. Each day in Montgomery County, 100,000 students ride a school bus to and from school. Many thousands of those students cross a roadway to get on their bus in the morning and just after getting off their bus in the afternoon. Each one of those crossings is a potential tragedy when matched with a motorist who chooses to ignore the law requiring them to stop when approaching the stopped bus. The vast majority of motorists in the county wouldn't think of passing a stopped school bus. But others need additional incentive to follow the law, as the potentially tragic consequences for one of our county's children appears to be insufficient motivation. I imagine they think it will never happen to them.

We are very fortunate to be talking about local legislation to support a Maryland law with no name attached. In several other states with similar legislation, the law is named after a student who was killed while crossing the street, assuming they were protected by the flashing lights of their school bus.

As someone who drives a bus periodically, I can tell you what an anxious feeling is caused when students get off the bus in the afternoon and cross the street. No matter how much they are told to stop at the corner of the bus and look for traffic, or wait for the signal of their bus operator, many simply trust that motorists will obey the law and stop. After all, who would illegally pass a school bus? While exact numbers are not known, we do know it happens multiple times each day in our county. Please support this bill that can help make the trip to and from school each day a safer one for the students of Montgomery County.

Todd Watkins, Director, Department of Transportation

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Testimony  
Before Montgomery County Council Members  
In Support of School Bus Camera Red Light Violations  
By  
Robert Herron  
Bus Operator, Montgomery County Public Schools  
Vice President, Transportation Chapter  
Service Employees International Union, Local 500, CTW

President Berliner, and distinguished Members of County Council:

Good Afternoon. My name is Robert Herron. For over twenty years I have worked as a School bus operator for Montgomery County Public Schools.

I'm also proud to represent my fellow colleagues in the Transportation Department as Vice President of Service Employees International Union, Local 500.

I'm here this afternoon to urge in the strongest terms possible, for you to support and enforce the School Bus Camera Red Light Warning Violations that are being committed in Montgomery County on a daily basis.

Each and everyday, my colleagues and I safely transport over One Hundred Thousand students to and from school. The parents in our community entrusts us with the safety and well being of their children. It is an awesome responsibility that we take very seriously. The safe operation of a school bus has its challenges. For most of us, it means operating a school bus with between 40-55 students on board, though increasingly hazardous road and traffic conditions. In many cases the bus operator is the only adult on the bus. It's our responsibility to maintain discipline and order on the buses while maintaining full awareness of the road and traffic condition under which we operate.

Our mission of student safety is put at risk when cars and trucks disregard the flashing red lights and stop sign when we are loading and unloading our students, and simply drive pass us. At nearly every stop I make, I see students, running a few second late, running towards my bus so they won't miss it. They run across streets, dart between parked cars, in order to make it to my bus before I depart.

When a motorist ignores the flashing red lights and school bus stop sign, and passes the bus, they're often agitated by the delay, and pay little attention to activities surrounding my school bus. A child can appear quickly out of nowhere, assuming that traffic has completely stopped, and step in front of an oncoming car. An agitated car or truck driver and a careless student is a perfect storm for a disaster waiting to happen. An increasing number of school buses are now equipped with cameras that video graph vehicles unlawfully passing our buses. Those who we identify and report, simply receive a written warning that, in my opinion isn't worth the paper it's written on. In a survey that was done two years ago in several counties that participated in our state of Maryland on a Thursday, recorded over 24,000 school bus Red Light Violations that day. Violations of this law is an everyday occurrence in the course of my day and many of my colleagues will tell the same.

The enforcement of this law for those caught on camera, disregarding the safety of our students, for a sake of a few seconds must be deterred with a strong message with a fine for violating a safety law, for which there is presently little consequence. You only have to imagine a parent receiving a phone call saying their child has been seriously injured or killed, because an irresponsible driver who placed saving a few seconds of commuting time above safety of our children. If there was ever a need for enforcement, Now is the time.

On behalf of my school system, my union, my 1500 colleagues who drive school buses and most importantly the One Hundred Thousand plus students we transport everyday. I urge you to support and enforce this law.

Thank you.



## PEDESTRIAN, BICYCLE AND TRAFFIC SAFETY ADVISORY COMMITTEE

### PBTSAC Action on Bill 37-11: Motor Vehicles and Traffic - - School Bus Safety Cameras

As the Chairman of the Pedestrian, Bicycle, and Traffic Safety Advisory Committee (PBTSAC,) I am pleased to be able to submit to the County Council the recommendation of our committee on this very important piece of legislation: Bill 37-11, to allow for the installation of safety cameras on school buses, providing for the automated enforcement of laws prohibiting vehicles from overtaking (passing) stopped school buses with children boarding. The PBTSAC is advisory to both the County Executive and the County Council on matters pertaining to improving pedestrian and bicycle safety in Montgomery County. Bill 37-11 is intended to protect the most precious members of our community - - our children. We are pleased to be able to provide our recommendation to the County Council today in support of Bill 37-11.

David Anspacher  
Ramin Assa  
Thomas Didone  
Darrel Droblich  
Valerie Ervin  
Steve Friedman  
Angel Garcia-Ablanque  
Arthur Holmes, Jr.  
Erwin Mack, Chair  
Alan Migdall  
Colleen Mitchell  
Peter Moe  
Alyce Ortuzar  
Reemberto Rodriguez  
David Sharp  
Jack Strausman

While the PBTSAC voted to support this legislation and recommends its approval, we did have extensive discussion on the issue at our last meeting, January 5, 2012. The PBTSAC has become very aware in the past several years that measures needed to improve safety for pedestrians are often complex and involve many different variables. Simple or singular solutions may sometimes fall short of accomplishing the intended results. It is for this reason that we have continued to support the three "E's" of improving pedestrian safety: Engineering, Education, and Enforcement. Much committee discussion focused on other aspects of the problem that also need to be considered in protecting our children from cars passing stopped school buses. Questions raised by the PBTSAC included:

1. Are there engineering improvements that can be made to improve the warning visibility of buses that are stopped to load or discharge students, including larger signs on the extended stop flag, head lights and tail lights that also flash when the school bus stop sign is activated, and larger and brighter flashing lights for buses that are in the process of loading or discharging students?
2. Are there education efforts that can alert drivers to the requirement to stop before passing stopped school buses and receiving tickets? In discussion, there was an acknowledged level of confusion of when drivers are and are not required to stop for a school bus. For example, where buses stop on divided roadways with a median vs. a wide multi-lane roadway with a two-way turn lane separating traffic – at which must you stop for a school bus? Drivers need to know the laws. The lack of knowledge and education on the issue was a concern to the PBTSAC.

With these issues and concerns in mind, the PBTSAC passed the following motion with 10 in favor, 3 opposed, and 1 abstention:

VOTED, that the Pedestrian, Bicycle, and Traffic Safety Advisory Committee supports Bill 37-11, to authorize the installation of school bus safety cameras and that the program should include a strong education component and citizen involvement through a citizens' advisory committee, similar to the advisory committee used for implementing the County's speed camera program.

While three members voted in opposition, the primary reason for their opposing the motion was their concern that more needed to be known about the problem. For this reason, the committee discussed the need to implement such a program at a pilot scale first, learning from the gradual implementation of the program. Data gathered from the pilot scale effort can serve to further define the problem and other

### Department of Transportation

appropriate measures needed to make our children safer when boarding or while being discharged from school buses.

I thank the County Council for providing our committee the opportunity to provide our recommendation. We applaud your efforts to improve pedestrian safety in Montgomery County, and appreciate the role you have afforded us in helping you to accomplish this important mission.

Sincerely,

A handwritten signature in black ink, appearing to read "Erwin H. Mack", with a stylized flourish at the end.

Erwin H. Mack  
Chair, PTSAC



## **Montgomery County Council Bill 37-11**

### **Briefing Overview & Action Items**

### **January 19, 2012**

Maryland Senate Bill 679 (21-706.1) that was enacted into law October 1, 2011, authorized the use of external cameras to be placed on school buses to capture live images of motorists illegally passing stopped school buses when the stop arm is deployed and the red lights are activated. The legislation is essentially identical to the legislation that was passed to enforce "Red-Light" violations (21-202.1) which allows for civil tickets, not to exceed \$250.00, be issued to the owner of the vehicle that illegally passes the school bus. The legislation also required:

- Local Governing Body (JGB) enabling legislation in which Council Bill 37-11 was submitted to address.
- The Law Enforcement Agency to work in consultation with the Board of Education to place school bus monitoring cameras on school buses.
- The District Court to adopt certain procedures; defining certain terms; and generally relating to the use of school bus monitoring cameras to enforce offenses relating to overtaking and passing school buses.
- That the fines collected by the political subdivision may recover the costs of implementing and administering the program and may spend any remaining balance solely for public safety purposes including pedestrian safety programs. The legislations also directs that if the case is contested in District Court then the District Court then the fine will be paid to them directly.

Revenue expenditures will be difficult to forecast because there are currently only a few of these camera systems in place in the Country and none currently in the State of Maryland. In a recent discussion with the Office of Procurement and the Office of the County Attorney, we recognized that there were three mechanisms that would bring the program to County and all of them did not have cost factors immediately available.

- The first option would be for the County to submit a Request for Proposal (RFP). This would be the most time consuming option in which the costs associated are completely unknown. On December 28, 2011, Frederick County released an RFP for a School Bus Violation Reporting System Utilizing External Mounted Cameras that will be closing on January 20 2012. Once the proposals are received a cost-expense assumption could be made.
- The second option would be to bridge and existing contract. As previously stated, there currently is not an active contract in the State of Maryland utilizing this technology. Our research has identified that Calvert County has the only active pilot project in the State and that Baltimore and Anne Arundel Counties are not looking to pursue the use of these systems in the communities. Like in the first option, once a contract has been issued we can affect a cost-expense assumption.
- The third option is to negotiate with our current vendor Affiliated Computer Services (ACS) and amend our current contract. In regards to this option, on November 2011,

the County awarded ACS a four year contract to consolidate all of the Automated Traffic Enforcement under one vendor. ACS does have school bus camera system in with the base cost would be \$5-8,000 per camera for installation then a back office processing of the violations would be "per paid" citation presumably (subject to negotiation) at the current cost (\$29.24) fee.

The Department has reviewed the violation data received from the School Board Transportation Division for the past three years (though October 2011):

- Approximately 1256 violations have been reported which makes an average of 37 violations a month including summertime when only a few buses are in operation for all 1100+ buses that traverse the County.
- There are approximately 20 bus routes that report at least 10 or more violations during that time period
- Some drivers are more diligent in reporting violations then others
- That everyone accepts that these violations are under reported and a ratio could be 3 actual violations to 1 reported because the drivers must get the entire registration plate to report the violation
- Our best assessment would be an average of one to three violations a day with diminishing returns over time due to the public awareness as in the case with both the red-light and speed campaign.
- Additionally, Officers on patrol issued 359 (2009), 258 (2010) and 146 (through 9/2011) tickets for passing school bus violations observed during this time period. This is a factor of concern because if an officer issues a citation for a violation captured by automated enforcement, the automated enforcement citations is voided.

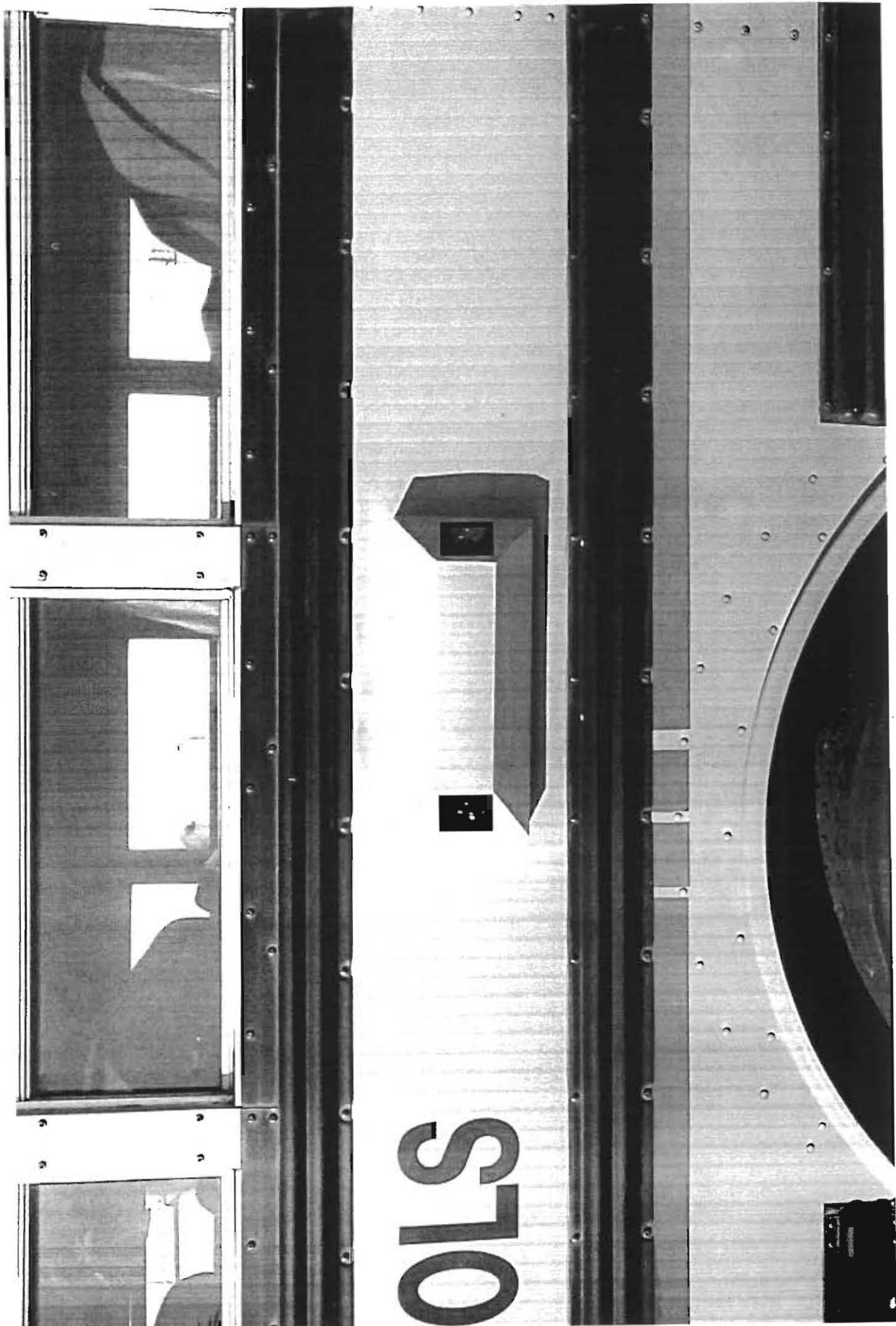
It is important to understand that the primary variable that affects our revenue cost and benefits projections is the unknown number of violations that will be paid to the District Court. As previously mentioned, the District Court collects the fines for all contested matters but the County is still responsible to pay the costs to the vendor. Regardless of the methodology used to procure this technology, (and believe me, the vendors will make unbelievable promises) there will be a prepaid citation expense associated with the processing of every citation. It is anticipated that a very high number of the citations issued will go to District Court (unlike the other types of automated enforcement which are around 1%) because of the high fine of \$250.00. If this assumption becomes fact, the County will still need to pay the vendor the cost even though the District Court receives the money. **This will create an ongoing deficit that is only defined by the number of citations issued annually.**

In an effort to mitigate this deficit, we would recommend that the County consider paying for the cameras with a defined upfront cost per camera (with the expectation that the vendor will be responsible for maintenance and replacement over time) and "slow grow" the program (20-25 cameras initially). This practice will allow the County to have an actual cost to start the program rather than having the vendor amortize these costs into a much higher "per paid" citation fee that cause the County a greater risk over time.

Also, we have recommended that the County consider a tiered fee schedule where the first time violator would only be fined 100.00 or \$125.00 and second and subsequent violations would be at the full amount. The benefit to this would encourage more persons to prepay the citations rather than requesting court while not diminishing "watering down" the violation which may not be well received by Annapolis or the general public. The current County Bill has a provision included that allows for an executive fee schedule to be set.

### **Action Items:**

- Successful passage of Bill 37-11
- Letter from the CE's Office to the School Board to authorize discussions by staff to facilitate implementation of the program. (I am working to set a meeting to brief CE's Office and direction to accomplish this task)
- Letter of support from the District Court (a meeting was requested with Judge Wolfe since December and hope to accomplish ASAP)
- Development of a workgroup MCP, MCPS County Attorney to develop MOU's and make decisions on procurement mechanisms available (unofficial discussions underway be awaiting bullet 2) Also, awaiting results of Frederick RFP, closes 1/20
- Procurement of equipment
- Development and delivery of a public awareness campaign



STO

